

Monday, July 10, 2017

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Employer: University Hospitals Geauga Medical Center

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24,000 physicians and employees constitute University Hospitals

University Hospitals (UH) violated EEO laws that prohibit punishing employees for asserting their rights to be free from employment discrimination, including harassment.

On 6/26/2016, I filed a complaint of sexual harassment against my supervisor with the Human Resources at the UH Geauga Campus (document included). I was called to a meeting on 8/5/2016 under the pretense of discussing my complaint of sexual harassment, in the HR office, with the head of HR and my regional pharmacy manager. Approximately 5 minutes were given to the discussion of my claim, which I was told was completed, with no finding of fault on the supervisor.

I was surprised to hear it was completed, since I was never called upon during the investigation to provide testimony. I was also surprised to find that the head of HR, who I asked to be recused from investigating because of her relationship with my supervisor, actually conducted the investigation of my claim of sexual harassment despite my pleas for an independent investigator.

The meeting on 8/5/2016 continued for approximately another 15 minutes in order to threaten me with discharge over manufactured offenses that the head of HR had culled from my personnel records, sentences out of context from addendums years old that I used to defend myself from substandard evaluations, as well as an innocuous time and attendance document used as a tool to intimidate me, which I asked to see, but was denied. For a fuller explanation of the meeting, I have included an email I submitted to the UH Compliance Office on 8/8/2016 with the subject, "An F.Y.I. to UH Compliance Department regarding EEOC recognized protected activities/retaliation."

On 6/26/2017 I was called to a meeting, with the head of HR, the department manager mentioned in the sexual harassment complaint, and a security officer, in the HR office. I was completely blindsided by this meeting, having just returned that evening from vacation. At that meeting, I was told that I had violated the "diversity" policy by writing the following phrases in two emails to an HR representative, while discussing the process involved in a UH program for innovation. The phrases were: "You are a good kid", "he's a pup", and "A nice boy". I have included the emails. These offenses, like the ones presented at the meeting on 8/5/16, are



manufactured and in no way violate hospital policy. From the presence of the security officer, I think these charges were intended to provoke me into something actionable. To my knowledge, neither the HR rep, to whom the email was sent, nor the pharmacy manager mentioned in the email, filed any complaint over those phrases. In my opinion, the head of HR and my supervisor were surveilling my emails, in effect "weaponizing" them, while endeavoring to come up with anything resembling an infraction.

I was mandated to attend sessions in the Employee Assistance Program and was warned that this was my last chance or I would be terminated; as a continuation of the threats started at the meeting of 8/5/2016. Since this was a first-step warning, I have no idea why I was threatened with termination.

The suspiciously close timing between the EEO activity and the materially adverse action, on 8/5/2016, which is linked to the materially adverse action on 6/26/2017 (being disciplined and threatened for an infraction that regularly goes undisciplined in that workplace), the demonstrated falsity of the employer's proffered reason for the adverse action, the work-related threats, the increased scrutiny of emails and time and attendance documents, that make my work situation incredibly difficult, all point to retaliation by University Hospitals.

I believe that these materially adverse actions are meant to deter a reasonable person from engaging in an EEO protected activity within the University Hospitals System. If they can do this to me, it sends a message to other employees throughout the organization.

I also have documentation that may demonstrate complicity from UH Compliance, executive leadership at UH Geauga, pharmacy leadership and the Employee Assistance Program, as well as the Human Resource department. A reasonable person might conclude the UH culture is toxic, by design.

I'm seeking preliminary relief, as well as compensatory and punitive damages, so this type of behavior within UH will stop. My quality of life, as well as my wife's, has been adversely affected. I suffer from Upper Motor Neuron disease, a condition similar to MS. The work-related stress that I have been subjected to has affected my ability to walk as well as my excretory functions. It also affects my ability to concentrate at work, with the possibility of the next shoe dropping with another manufactured offense at any time.

I submitted this to the Pittsburgh Office of the EEOC because I was concerned with the influence a major employer such as UH might wield in the Cleveland area.

I thank you for your consideration.

Sincerely,

Frank D. Dundee